

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,

v.

DANIEL IVAN PORTER,  
Defendant.

No. CR 07 0045 SI

[PROPOSED] STIPULATED ORDER  
REVISING MOTIONS BRIEFING  
SCHEDULE

Counsel for the government and for the defense have agreed to a briefing schedule before this Court on Mr. Porter's motion to suppress evidence arising from the placement of GPS devices and a garbage search. The defense motion is due today, May 25, 2007.

Since setting that briefing schedule, the parties have discovered that a large amount of the GPS data was created and is best viewed in a proprietary software format. The government and defense counsel have worked to resolve this issue, and anticipate purchasing software to view this data in its native format. Because the parties do not have this proprietary software yet, however, counsel for the defense is unable to file a comprehensive brief on the subject today. (The garbage-suppression motion will be a smaller part of the larger GPS suppression motion).

The parties have accordingly agreed to a modified briefing schedule. The parties jointly propose that the defense file its opening brief on Friday, June 8. The government will respond with its Opposition on Friday, June 29. The defense will file its Reply on Friday, July 6th, with a hearing

1 date on Friday, July 13th. This revised schedule retains the same due date for the final Reply as  
2 originally contemplated in this Court's order, and retains the same hearing date as previously  
3 proposed.

4 Before June 8, the parties will continue to work together to gain access to the native format of  
5 the GPS data. Accordingly, the parties jointly and respectfully request that the Court adopt the  
6 above briefing schedule based on good cause shown.

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8 IT IS SO STIPULATED.

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10 May 25, 2007  
DATED

/s \_\_\_\_\_  
SCOTT SCHOOLS  
United States Attorney  
Northern District of California  
ROBERT REES  
Assistant United States Attorney

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13  
14 May 25, 2007  
DATED

/s \_\_\_\_\_  
BARRY J. PORTMAN  
Federal Public Defender  
Northern District of California  
STEVEN G. KALAR  
Assistant Federal Public Defender

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18 IT IS SO ORDERED.

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20 \_\_\_\_\_  
DATED

  
HON. SUSAN ILLSTON  
United States District Court Judge